

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21767 of 2023

Arising Out of PS. Case No.-135 Year-2017 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Naseer @ Md. Naseer Alam S/O Maksud Resident of Village- Kharuhi, Bara Farid, P.S.- Kundwa Chainpur, District- East Champaran, Motihari
 2. Hasira Khatoon W/O Naseer @ Md. Naseer Alam, resident of village- Kharuhi, Bara Farid, P.S.- Kundwa Chainpur, District- East Champaran, Motihari

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Kundwa Chainpur P.S. Case No. 135 of 2017 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 07.09.2017 both the petitioners came at the door of the informant lashed with lathi and dab and started abusing her. When the informant forbade them not to abuse, accused persons assaulted her. It is alleged that Nasser (petitioner no. 1) inflicted dab blow on the head of the informant and Hasira Khatoon snatched golden chain from



her neck.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is a case and counter case between the parties.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that with respect to the alleged occurrence there is a case and counter case between the parties, after investigation police submitted a chargesheet under bailable sections, however, the learned Magistrate took cognizance under non-bailable section as well, the petitioners have been falsely implicated in this case and they have no criminal antecedents, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 135 of 2017, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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